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THE TOBACCO ACTS OF 1723 AND 1729.

In *Hening's Statutes*, Vol. IV, pages 134 and 197, the titles only of two tobacco acts are given. The following text of these acts, hitherto unpublished, is that of a transcript of the original manuscript copy in the Public Record Office, London.

These acts are the record of an unsuccessful experiment in local government. As such they may prove of interest to the student of colonial Virginia history.

C. G. CHAMBERLAYNE.

[On a small sheet of paper attached to the large sheets of the act].

NOTE.—The above is an annotation in pencil made by the copyist in London. It refers to the following abstracts numbered A to N.—C. G. C.

A. All labouring Persons to tend 6,000 Plants of Tobacco & no more. Male Persons above Ten and under Sixteen to tend 3,000. Liberty to House keepers to tend 10,000 Plants.

B. The Vestry of every Parish Yearly to lay out the Parishes into Precincts & appoint 2 Persons in each Precinct to examine the Names of those that tend Tobacco. The Crops. The Number of Plants growing on every Plantation. The said Persons to take the Oath following. Penalty on the Person refusing to take upon him the Office.

C. Allowance for the Persons appointed Examiners. Directions to the Officers to find out the Number of Plants—if they exceed as before directed the owner to destroy such excess; upon his Refusal, the Officer to do it. Reward for the same—to make Report of their Proceedings.

D. Vestry Men refusing to do their Duty to forfeit 1,000 lbs. of Tobacco. Examiners not making Report of their Proceedings to forfeit 1,000 lbs. of Tobacco. The like Penalty for

Planting on a Plantation more Plants of Tobacco than are allowed by this Act.

E. The Clerk of every County Court to set up in the Court House Transcripts of the Examiners Reports. If a Parish lye in two Counties the Return shall be made in each—on Forfeiture of 1,000 lbs. of Tobacco.

F. Masters & House-keepers to return to the Justices a List of Tithables Yearly. On failure every Master to forfeit 500 lbs. Tobacco. To make a false List of Tithables. Forfeiture 500 lbs. of Tobacco.

G. Justices to make distinct separate Lists.

H. Examiners to forfeit 500 lbs. Tobacco, if they Plant on their Plantations more Tobacco Plants than the Act allows.

I. Any Master or Overseer refusing to give acct. of persons entitled to plant Tobacco on their Plantations, & to shew the Tobacco Planted to forfeit 500 lbs. Tobacco.

K. How the Fines & Forfeitures shall be applied.

L. What Labouring Tithables are not to tend Tobacco.

M. The Age of a Tithable, to be determined by the Parish Register.

N. This Act to Commence the 1st of Aprill, 1724, & to continue in Force three Years.

AN ACT for the better and more
Effectual Improving the Staple of Tobacco.

WHEREAS Sundry Laws have heretofore been made for the Improving the Staple of Tobacco and for the better discovery of ffrauds therein but the same have proved ineffectual And it is found by Experience that most of the ffrauds and Mischiefs w'ch have been complained of in the Tobacco Trade have arisen from the planting on Land not proper for producing good Tobacco and greater Crops than the persons employed therein are able duly to tend AND WHEREAS also the Merchants in Great Britain concerned in the said Trade have given up great Quantities of Tobacco to be burnt by reason of the meanness and bad handling thereof And thereby his Majesties Customs

have been greatly diminished and the people of this Colony impoverished BE IT therefore ENACT-

All labouring persons to tend 6,000 Plants of Tobacco, & no more. Male Persons above ten & under Sixteen to tend 3000.

ED by the Lieut. Govern'r, Council & Burgesses of this present General Assembly And it is hereby Enacted by the Authority of the Same That all labouring Tithable persons within this Colony and Dominion have Liberty to tend Six Thousand plants of Tobacco and no more And that all Male labouring persons above Ten and under Sixteen Years of Age have Liberty to tend Three Thousand plants of Tobacco and no more upon any plantation or plantations in any one Year during the Continuance of this Act PROVIDED always that all House keepers Male or Female being planters and not having any Tithable Servant or Slave shall

Liberty to House Keepers to tend 10,000 plants.

for themselves have liberty to tend Ten Thousand plants of Tobacco and for Every Male labouring person between the Age of Ten and Sixteen Years to them belonging the Liberty of tending on his or her plantation Three Thousand plants of Tob'co and no more.

AND BE IT further ENACTED by the Authority aforesaid That the Vestry of Every Parish within

The Vestry of every parish yearly to lay out the parishes into precincts, & appoint 2 persons in each precinct, to examine the Names of those y't tend Tobacco — the Crops — the Number of plants growing on every plantation.

this Colony shall and do before the last day of June Yearly lay out their respective parishes into precincts and appoint two persons in Each precinct to Examine and inquire of the Names and Number of the persons hereby allowed to tend Tobacco and the Crops of the Several planters within the Said precinct and the Number of plants growing on any and every plantation or plantations within the same some time in the Month of July Yearly Which persons so appointed shall

take an Oath before Some Justice of the peace of the County where in they reside (w'ch Oath the Said Justice is hereby im-
powered and required to administer)

The said persons to in the Words following vizt.—I, A. B.
take the Oath follow- do Swear that I will carefully diligent-
ing. ly and truely examine & inquire of the
Names and Numbers of all persons

allowed to tend Tob'co within my precinct and truly and faith-
fully Number and Count the plants growing or that have been
tended on every plantation within the Same according to the
directions of the Act of Assembly for the better and more Ef-
fectual Improving the Staple of Tobacco and that I will duely
Execute all the powers and Authorities given me by the said
act and make a just and true report of my proceedings herein
without favour affection or partiality So help me God—And
if any person appointed by the Vestry

Penalty on the per- to View Examine and Number To-
son refusing to take bacco plants in pursuance of this Act
upon him the Office. shall wilfully refuse to accept the Said
Office and take the Oath aforemen-

tioned Every person so refusing Shall forfeit and pay five
hundred pounds of Tobacco or fifty Shillings Currant Money
and the Vestry of that parish shall Immediately on Such Refusal
Nominate and appoint Some other fit person in the room of
him or them so refusing and for the Encouragement of the
persons nominated and appointed as aforesaid for Examining
and numbering the plants of Tobacco in pursuance of this Act
BE IT ENACTED by the Authority aforesaid that there Shall be
levyed on the Tithable persons in Each County during the Con-
tinuance of this Act ffour pounds of Tobacco for every Six
Thousand plants and proportionably for a lesser or greater
quantity which shall be tended within the Said County to be
distributed to the respective persons appointed by this Act to

view and Number the plants of To-
bacco in proportion to the Number of
persons appointed as plants viewed and Numbered by them
Examiners. in their respective precincts which

Said Levy of ffour pounds of Tobacco the Court of Each County within this Colony is hereby im-
powered and required to make and the Sherif or other Collector
of the County Levy to pay to the Several persons to whom the
Same shall be due in the Parish wherein they respectively
reside Unless such person shall consent to take the same in
some other parish within the County AND for the better direc-
tion of the persons appointed for numbering the plants of
Tob'co BE IT ENACTED by the Authority aforesaid That the
Two persons nominated and Sworn in Each precinct shall
Jointly repair to the several plantations and there take the
Number of the Tobacco plants either by Counting the Several
Hills contained in Each piece of Tobacco Ground Or
by numbering ffour Rows in the length and ffour
rows in the breadth at Such distance as they shall
Judge best for discovery of the Truth Then adding the Num-
bers of the Said ffour Rows in length into one Sum divide the
product by ffour And the like addition being made of the ffour

Rows in breadth Divide the same like-
wise by ffour and then let the two
Officers to find out Quotients of the length and breadth
the Number of plants. be multiplied into One another And
that product shall be accounted the
true Contents of the plants in Such piece or ffield of Tobacco
Or else the persons appointed as aforesaid shall pursue Such
other Methods and Rules in the Computation of the said To-
bacco plants as in their Judgment may best discover the true
quantity And if at any time hereafter any more plants of
Tob'co than are hereby allowed shall by the persons appointed
to view and Number the same as aforesaid be found planted
or tended on any plantation or plantations whatsoever The
Owner or Overseer of Such plantation Shall Imediately in the

presence of the person or persons ap-
pointed to Examin and Number the
Same Cutt up or cause to be Cut up
and destroyed So many plants as shall
exceed the Number herein before al-
If they exceed as
before directed, the
Owner to destroy such
Excess, upon his Re-

fusal, the Officer to do it. And in Case the Owner or Overseer of any such Plantation shall

refuse and fail so to do the Said persons so appointed to Examine and Number as aforesaid be and are hereby Empowered and required to Cutt up or cause the Same to be cutt up and destroyed And shall have and receive as a Reward for so doing Twenty pounds of Tobacco for Every hundred plants of Tobacco that shall be so cutt

up or destroyed by them to be paid by the Owner or Overseer of such plantation where such Offence Shall be Comitted and upon due proof thereof made by the Oaths of the persons appointed as aforesaid shall and may be recovered before any Justice of the peace of the County where Such Offence shall be Comitted And the persons so to be appointed to Examine and Number as aforesaid are hereby

To make Report of their proceedings. required to make a true report of their proceedings and Number of plants on Each plantation in their respective

precincts to the Clerk of the Court of that County where in the said precincts respectively on or before the Tenth day of August Yearly AND BE IT further ENACTED by the Au-

thority aforesaid That Each Vestry Man failing or refusing to do his duty herein, Shall forfeit and pay One Thousand pounds of Tob'co And that each person so appointed and Sworn to Examine and Number as aforesaid

and failing to make such Report of their proceedings as aforesaid shall forfeit and pay One Thou-

Examiners not making Rep't of their proceedings, to forfeit 1,000 lb. of Tobacco. sand pounds of Tobacco for Every Such Offence And if the Said persons so appointed to Examine and Number as aforesaid shall knowingly

allow any person whatsoever to plant or tend on his or her plantation any more plants of Tobacco than are herein and hereby before al-

The like penalty for planting on a plant'n more plants of Tobacco than are allow'd by this Act.

The Clerk of every County Court to set up in the Court House Transcripts of ye Examiners Reports.

The Same in the Court house of the Said County at the two next Succeeding Courts after Such Return so as the Same be made Three days at least before the Court day And shall also file and keep the Original Reports in his Office. And where

If a parish lye in two Counties, ye Return shall be made in each.

be transcribed, sett up

On Forfeiture of 1,000 lb. Tobacco.

the true Number of all Male labouring persons above Ten and under Sixteen Years of Age And of all Tithable persons for whom no Tobacco by this Act is allowed to be tended BE IT ENACTED That all Masters of ffamilies and

Masters & Housekeepers, to return to ye Justices a List of Tithables Yearly.

lowed Each person so offending shall forfeit and pay One Thousand pounds of Tobacco for Every Such Offence AND BE IT further ENACTED by the Authority aforesaid And it is hereby Enacted That the Clerk of every County Court shall without ffee or reward fairly transcribe all Such Reports as shall be returned to him by the persons appointed in pursuance of this Act for numbering of plants of Tobacco and Shall Sett up

it shall so happen that any Parish shall lye in Two Counties In such Case return Shall be made of the Number of plantations and plants in Each County to the Clerk of the County wherein such plantations shall ly to

& filed by the Clerk of such County in maner aforesaid and the Clerk of any County failing to do his Duty here in shall forfeit and pay One Thousand pounds of Tobacco AND for the bet-

ter discovering of the true Number of all Male labouring persons above Ten and under Sixteen Years of Age And of all Tithable persons for whom no Tobacco by this Act is allowed to be tended BE IT ENACTED That all Masters of ffamilies and House Keeper shall return to the Justice or Justices of the peace appointed to take the List of Tithables Yearly (when they give in an Account of their Tithables) a true Account of the Names of every person above Ten and

under Sixteen Years of Age for whom any benefit of tending Tob'co is allowed by this Act; And shall also distinguish in his or her List of Tithables which of the persons therein mentioned are usually for the most part employed in the crop and every Master of a Family and House

On Failure, every Keeper failing so to do shall forfeit and pay five hundred pounds of Tobacco And if any person shall list or enter with the Said Justice any person

under Sixteen Years of Age as a Tithable or that is under Ten Years of Age to be above that

To make a false Age Or any person as a Labourer in his or her Crop who is not com'only and usually employed therein, In

either Case the person so offending shall forfeit and pay five hundred pounds of Tobacco for every

such person so falsly ent'red or listed. Forfeiture 500 lb. Tobo. And every Justice of the peace who

shall hereafter be appointed to take the List of Tithables is hereby directed and required to take and make Separate Lists of the Names of all such persons above Ten and under Sixteen Years of Age and Shall return such Lists in the Same maner as

the List of Tithables are returned and shall make such distinction in the List of Tithables by him returned of

the persons comonly and for the most part employed in Tobacco as is here in before directed

AND BE IT further ENACTED by the Authority aforesaid That each person to be appointed by this

Act to Examin and Number plants as aforesaid who shall plant more Tobacco plants on any plantation or plantations to him belonging than is herein before allowed, shall for every Such Offence forfeit and pay five hundred pounds of Tobacco for every person

Examiners to forfeit 500 lb. Tobacco if they plant on their plant'ns more Tobacco plants y'n ye Act allows.

above Ten Years of Age on his plantation that shall be employed in making Tobacco And if any Master, Mistress or

Any Mast'r or Overseer refusing to give acc't of persons entitled to plant Tobacco on their Plant'ns & to shew ye Tobacco planted to forfeit 500 lb. Tobacco.

Overseer shall refuse to give a Just and true Account of the Names of the Several persons by this Act Intituled to plant Tobacco on their said plantation or plantations and to shew all the Tobacco planted thereon to the persons appointed to View the Same Every Master, Mistress or Overseer so refusing or giving a false Account shall forfeit and pay five hundred pounds of Tobacco for every person above Ten Years of

Age employed in making Tobacco on any such plantation that Year All which fines and fforfeitures herein before mentioned and not other wise appropriated

How ye Fines & Forfeitures shall be apply'd.

shall be One half to Our Soverain Lord the King his Heirs and Successors to and for the Use and for lessening the Levy by the poll of the

County wherein Such Offence shall be Comitted and the other half to the person or persons who shall inform and Sue for the Same and may be recovered with Costs in any Court or Courts of Record within this Colony and Dominion by Bill plaint or Information AND for the better Explaining what Sort of labouring Tithables are intended by this Act to be restrained from tending Tobacco BE IT ENACTED and declared by the Authority aforesaid That all House Keepers not being planters all Household Servants and

What labouring Tithables are not to tend Tobacco.

Slaves and all other P'sons whatsoever bond or ffree who are not comonly and for the most part employed in making Tobacco are the persons intended by this Act for whom no Tobacco shall be planted AND

BE IT further ENACTED by the Authority aforesaid That where any Suit shall be brought for the penalties in this Act contained for Ent'ring or Listing any person under Sixteen Years

of Age as a Tithable or that is under
 The Age of a Tith- Ten Years of Age to be above that
 able, to be determin'd Age, the Age of the P'son so listed
 by ye parish Register. shall be proved and determined by
 the parish Register or by the Order of
 the Court In Case the Age of such person hath been formerly
 adjudged there, Or by the Inspection of the Court upon the
 Tryal and not Otherwise AND BE IT further ENACTED by the
 Authority afores'd That this Act shall
 This Act to com- Com'ence from the ffirst day of April
 mence, ye 1st of Ap- next ensuing And be in force for
 ril, 1724, & to con- three Years And from thence to the
 tinue in Force three End of the next Session of As-
 years. sembly.

AN ACT

For the better and more effectual improving the
 Staple of Tobacco.

WHEREAS, the Act lately made for restraining the planting
 of great quantities of Tobacco plants hath in some measure
 improved the Staple of Tobacco but by reason of divers mis-
 constructions of the said Act the same hath not had the in-
 tended Effect For Remedy whereof

BE IT ENACTED by the Lieutenant Governor Council & Bur-
 gesses of this present General Assembly and it is hereby En-
 acted by the Authority of the same That every laboring tith-
 able person and Overseer within this Colony & Dominion have
 liberty to tend six thousand plants of Tobacco and no more
 except as is hereafter excepted And that all Male laboring
 persons above twelve and under sixteen years of age have lib-
 erty to tend three thousand plants of Tobacco and no more
 upon any plantation or plantations in any one year during the
 continuance of this Act Provided alwaies That all Male per-
 sons being House Keepers & Planters and not having any tith-

able Servant or Slave and all Widows and all and every Feme Sole having Land of Inheritance and being Housekeepers and not having more than one tithable person shall have liberty to tend for themselves Ten thousand plants of Tobacco and for every Male laboring person between twelve and sixteen years of age to them belonging the liberty of tending on his or her Plantation three thousand plants of Tobacco & no more. And for the better explaining what sort of laboring Tithables are intended by this Act to be restrained from making Tobacco

BE IT ENACTED & declared That no Master of a Family keeping an Overseer and having eight Tithable Servants or Slaves that work in Tobacco Or any Master of a Family having above eight tithable Servants or Slaves that work in Tobacco Or any Servant or Slave being a Tradesman who shall at any time between the first day of April and the First day of September work at his or their Trade or Trades upon the plantation or plantations of his or their Master or Mistress or shall at any time or times whatsoever work at such Trade or Trades upon the plantation or plantations of any other person or persons Or any Servant or Slave who shall at any time between the first day of April and the first day of September be employed as Coachman—Groom—Waiting man—Cook—Dairy maid or in any other Domestic Office or Service in or about the dwelling house of his or her Master or Mistress Or any Female Servant or Slave under the age of Sixteen years shall have liberty to tend any Tobacco whatsoever. AND BE IT FURTHER ENACTED by the Authority afores'd That the Vestry of every Parish within this Colony shall every year during the continuance of this Act upon the Fifteenth day of June if the same be not Sunday and if it shall so happen then on the next day after lay out their respective Parishes into Precincts And appoint two persons in each Precinct to examine and inquire of the names and Number of the People hereby allowed to tend Tobacco and the crops of the several Planters within the said Precinct and the number of plants growing on any and Every Plantation or Plantations within the same in the beginning of the month of July yearly and to cut up or cause to be

cut up & destroyed all Stalks, Slips and Suckers within such Precinct Which persons so appointed are hereby enjoined carefully to review & examine all the several Fields and Places whereon Tobacco shall be tended within their respective Precincts two several times at the least after the plants thereon growing have been by them counted and as often thereafter as they shall judge necessary in order to discover whether any Slips or Suckers shall be turned out or tended from the Stalks whence any tobacco plant hath been before cut and shall take an Oath before some Justice of the peace of the County wherein they reside which Oath the said Justice is hereby empowered to administer in the words following,

"I, A. B., do swear That I will carefully diligently and truly examine and enquire of the names, and number of all persons allowed to tend Tobacco within my Precinct and truly & faithfully number and count the Plants growing or that have been tended on every Plantation within the same And faithfully and diligently will review & examine all the several Fields and places where all such Tobacco plants are tended and cut up and destroy or cause to be cut up & destroyed all Stalks from which any Tobacco shall be cut or taken and all Slips and Suckers growing from or out of the same above the height of nine inches from the Ground which I shall find standing or growing in any of the Fields or places aforesaid according to the directions of the Act of Assembly For the better and more effectual improving the Staple of Tobacco and that I will duly execute all the powers and Authorities given me by the said act and make a just & true report of my proceedings herein without Favor Affection or Partiality and that I will make information of all such persons who shall be guilty of any breach of the said Act in any matter or thing in which a Counter is required to examine & inquire to some Justice of the Peace of the County wherein the Offence shall be committed within one month after it shall come to my knowledge So help me God."

And if any person appointed by the Vestry of any Parish to view examine and number tobacco plants and to cut up & de-

stroy Tobacco Stalks Slips & Suckers in pursuance of this Act shall refuse to accept the said Office & take the Oath aforementioned every person so refusing shall forfeit & pay five hundred pounds of tobacco and upon such Refusal or the Disability of any such person or persons the Vestry of the said Parish shall meet & appoint another fit person in the room of him so refusing or disabled and so from time to time as often as such person shall so refuse or become incapable nominate & appoint another in his stead and every person so nominated & appointed who shall refuse to accept the said Office and take the Oath aforesaid shall forfeit and pay the like quantity of Five hundred pounds of Tobacco and in case the Vestry men of any Parish shall fail to meet on the fifteenth day of June as aforesaid or shall refuse to do his duty at such Vestry, so that there shall not be a sufficient number to hold a Vestry every such Vestryman so failing to meet or refusing to act in the said Vestry shall forfeit & pay the sum of Twenty pounds current money and such Vestry are hereby required to meet for the purposes afores'd on the seventh day after such Failure and every Vestryman who shall then fail to meet or shall refuse to do his Duty at such Vestry so that no Vestry is or can be held shall forfeit and pay the sum of Thirty pounds current money. And to the end the duty of numbering and examining tobacco plants & the other services herein before mentioned may not be neglected thro' the want of due notice to the persons appointed to perform the same,

BE IT ENACTED by the Authority afores'd That the Clerk of the Vestry of each Parish shall immediately after the nomination of the persons appointed for examining & numbering the plants of Tobacco deliver to each and every of them a Copy of the order for their appointment and shall then demand whether they will accept of the said Office and if any of the persons so appointed shall refuse the Clerk of the Vestry shall give immediate notice thereof to one of the Church Wardens of the s'd Parish who is hereby directed & required forthwith to call a Vestry to meet on the next Monday follow-

ing such notice Which Vestry so called are hereby directed to nominate & appoint other fit persons in the room of such as shall refuse the Office of examining and counting the tobacco plants as afores'd and if any of the persons nominated as afores'd shall afterwards become disabled before he hath performed the duty hereby required of him the person joined with him for that Precinct shall give notice of such disability to one of the Church Wardens of the Parish within two daies after the same shall come to his knowledge And every neglect herein shall be deemed and taken and be liable to the like penalty as a Refusal to accept the Office of numbering & Examining tobacco plants And if upon the refusal or disability of any of the persons appointed in any Parish to examine & number tobacco plants as afores'd the Vestry of such Parish shall fail to meet and appoint others in the room of those so refusing or disabled according to the directions herein before mentioned every Vestry man who shall then fail to meet or refuse to do his Duty at such meeting so as no Vestry can be held shall forfeit and pay the sum of thirty pounds current money PROVIDED ALWAYS That if any of the Vestry men so failing to meet & attend at either of the times aforementioned shall shew and sufficiently make appear that he or they were incapable of attending at such time or times that then such Vestry man or Vestry men shall not incur the penalty or penalties in this Act mention'd.

And for the encouragement of the persons nominated & appointed as aforesaid for examining & numbering the plants of Tobacco and for cutting up & destroying tobacco stalks Slips & Suckers in pursuance of this Act,

BE IT ENACTED by the authority af's'd That there shall be levied on the tithable persons in each County during the continuance of this Act Five pounds of Tobacco for every Six thousand plants and proportionably for a lesser or greater quantity which shall be tended and left standing within the said County to be distributed to the respective persons appointed by this Act to view and number the plants of tobacco

in proportion to the number of plants viewed and numbered by them in their respective Precincts Which Said levy of Five pounds of Tobacco the Court of each County within this Colony is hereby impowered & required to make and the Sheriff or other Collector of the County Levy to pay to the several persons to whom the same shall be due in the Parish wherein they respectively reside unless such person shall consent to take the same in some other Parish within the County. And for every hundred Tobacco stalks which shall have any Sucker or Slip growing thereon of the height of nine inches from the ground which such person or persons shall so cut up & destroy there shall be paid to him or them by the Owner of such Tobacco stalks or his or her Overseer twenty pounds of tobacco and so proportionably for a lesser quantity to be recovered with Costs before any Justice of the Peace of the County wherein the said Tobacco Stalks shall be so cut up.

And for the better direction of the persons appointed for numbering the plants of Tobacco,

BE IT ENACTED by the Authority af's'd That the two persons nominated & sworn in each Precinct shall jointly repair to the several plantations and there take the number of the tobacco plants by counting the several plants contained in every respective piece of tobacco ground in the best manner by such methods and rules as in their Judgment may best discover the true quantity having regard to regular and irregular pieces of Tobacco ground. And if at any time hereafter any more plants of Tobacco than are hereby allowed shall by the persons appointed to view & number the same as afores'd be found planted or tended on any plantation or plantations whatsoever the Owner or Overseer of such plantation shall immediately in the presence of the person or persons appointed to examine and number the same cut up or cause to be cut up or destroyed so many plants as shall exceed the number herein before allowed in such place or places of the s'd tobacco grounds as the s'd Owner or Overseer shall think fit And in case the Owner or Overseer of such plantation shall refuse and

fail so to do the said persons so appointed to examine & number as afores'd be and are hereby impowered & required to cut up or cause the same to be cut up & destroyed and shall have & receive as a reward for so doing twenty pounds of Tobacco for every hundred plants of Tobacco that shall be so cut up or destroy'd by them to be paid by the Owner of Overseer of such plantation where such Offence shall be committed and upon due proof thereof made by the Oathes of the persons appointed as afores'd shall & may be recovered before a Justice of the Peace of the County where such Offence shall be committed. And the persons so to be appointed to examine and number as afores'd are hereby required to make a true Report of their proceedings & number of plants on each plantation in their respective Precincts to the Clerk of the Court of that County wherein the s'd Precincts respectively lie on or before the tenth day of August yearly.

AND BE IT FURTHER ENACTED by the authority afores'd That each person so appointed & sworn to examine & number tobacco plants and to cut up & destroy Stalks Slips & Suckers as afores'd failing to make such report of their proceedings as afores'd shall forfeit & pay One thousand pounds of Tobacco for every such Offence and if the said persons so appointed to examine & number and to cut up & destroy Stalks slips and Suckers as afores'd shall knowingly allow any person whatsoever to plant or tend on his or her plantation any more plants of tobacco than are herein or hereby before allowed or to tend any Seconds Slips or Suckers each person so offending shall forfeit & pay one thousand pounds of Tobacco for every such Offence.

AND BE IT FURTHER ENACTED by the Authority, afores'd and it is hereby Enacted That the Clerk of every County Court shall without Fee or Reward fairly transcribe all such reports as shall be returned to him by the persons appointed in pursuance of this Act for numbering of plants of Tobacco and shall set up the same in the Court house of the s'd County at the two next succeeding Courts after such return so as the

same be made three daies at least before the Court day & shall also file & keep the Original Reports in his Office, and where it shall so happen that any Parish shall lie in two Counties in such case Return shall be made of the number of plantations and plants in each County to the Clerk of the County wherein such plantations shall lie to be transcribed and set up & filed by the Clerk of such County in manner afores'd and the Clerk of any County failing to do his Duty herein shall forfeit & pay one thousand pounds of Tobacco.

PROVIDED ALWAIES, That where any Plantation shall lie in two Parishes the Tobacco plants tended thereon shall be accounted & taken to be within that Parish or Precinct where the Servants or Slaves employed thereon do reside or the Quarter for them is situated And the persons appointed within that Precinct where such Quarter stands and no other shall view examine count & make return of the tobacco plants tended on such plantation accordingly.

And for the better discovering the true number of all Male laboring persons above twelve & under sixteen years of age and of all tithable persons for whom no Tobacco by this Act is allowed to be tended BE IT ENACTED That all Masters of Families and Housekeepers and all Overseers of distant plantations shall return to the Justice or Justices of the Peace appointed to take the list of Tithables yearly when they give an account of their Tithables a true account of the names of every person above twelve & under sixteen years of age for whom any benefit of tending tobacco is allowed by this Act And shall also distinguish in his or her List of Tithables which of the persons therein mentioned are allowed to tend Tobacco as aforesaid And every Master of a Family Housekeeper or Overseer failing so to do shall forfeit and pay five hundred pounds of Tobacco.

And if any person shall list or enter with the s'd Justice any person under sixteen years of age as a tithable or that is under twelve years of age to be above that age or any person as a Laborer in his or her Crop who is not hereby allowed to tend Tobacco in either case the person so offending shall forfeit

& pay five hundred pounds of Tobacco for every such person so falsely entred or listed And every Justice of the Peace who shall be hereafter appointed to take the list of Tithables is hereby directed & required to take & make separate Lists of the names of all such persons above twelve & under sixteen years of age And shall return such Lists in the same manner as the list of Tithables are returned and shall make such distinction in the list of Tithables by him returned of the persons not prohibited by this Act to tend Tobacco.

AND BE IT FURTHER ENACTED by the Authority afores'd That each person to be appointed in pursuance of this Act to examine & number plants as afores'd who shall plant & tend more tobacco plants on any plantation or plantations to him belonging than is herein before allowed shall for every such Offence forfeit & pay five hundred pounds of Tobacco for every person above twelve years of age on his plantation that shall be employed in making Tobacco And if any Master Mistress or Overseer shall refuse to give a just & true account or shall deliver a false account of the names of the several persons by this Act allowed to tend Tobacco on their s'd plantation or plantations and to shew all the Tobacco planted thereon or remaining in any Tobacco beds or plant patches to the persons appointed to view the same Every Master Mistress or Overseer so refusing or giving a false account shall forfeit and pay Five hundred pounds of Tobacco for every person above twelve years of age employed in making Tobacco on any such plantation that year.

AND BE IT FURTHER ENACTED by the Authority afores'd That where any suit shall be brought for the penalties in this Act contained for ent'ring or listing any person under sixteen years of age as a Tithable Or that is under twelve years of age to be above that age the age of the person so listed shall be proved & determined by the Parish Register or by the Order of the Court in case the age of such person hath been formerly adjudged there or by the inspection of the Court upon the Trial & not otherwise.

AND BE IT FURTHER ENACTED by the Authority afores'd That no person or persons whatsoever shall transfer or make over to any other person or persons any tobacco plants which he she or they shall have growing on his her or their plantation or plantations above the quantity or quantities allowed by this Act to be tended or shall be allowed to tend for any laboring Tithable or Worker in Tobacco any number of Tobacco plants whatsoever in any other precinct than where such Tithable or Worker in Tobacco was listed.

AND WHEREAS many frauds are committed by false and promiscuous packing and by putting Trash and bad Tobacco into bundles to the great prejudice of the Trade of this Colony For the better explaining what shall be accounted bad or Trash Tobacco and for the further preventing false packing, BE IT FURTHER ENACTED by the Authority afores'd That after the first day of September next all sweet scented Tobacco to be tendred or exposed to Sale shall be tied up in hands or bundles not exceeding six leaves in each hand or bundle and all Oronoko Tobacco so to be tendred or exposed to sale shall be tied up in hands or bundles not exceeding eight leaves in a bundle besides the Tier And the Tier in both cases of sweet scented & Oronoko Tobacco shall be of equal goodness with the rest of the bundle.

AND BE IT FURTHER ENACTED by the Authority afores'd That if any person or persons whatsoever shall after the s'd first day of September tender in paiment or expose to sale any hogshead of Tobacco which shall not be tied up according to the directions in this Act or shall not be freed from House-burnt Piebald and frost-bitten Tobacco and all other trash Tobacco Or shall not be sound Or well conditioned the person or persons tendring or exposing the same to sale shall forfeit and pay two hundred pounds of Tobacco to the Officer Receiver or other person to whom the same shall be so tendred or exposed to Sale Which s'd Forfeiture of two hundred pounds of Tobacco shall and may be recovered before any Justice of the Peace of the County wherein such Offence

shall be committed which Justice on complaint made to him is hereby directed and required to issue his Warrant to three honest Freeholders who are skilful in Tobacco Who being first sworn truly to report how they shall find the same shall forthwith repair to the place where such hogshead or hogsheads shall lie and shall carefully view the same and their Report or the Report of two of them shall be good evidence in the Trial before such Justice Which said three Freeholders shall be paid for every hogshead of Tobacco they shall so view fifteen pounds of Tobacco each by the person or persons tendring the same in paiment or exposing the same to sale if the Justice on such Report shall give Judgment against the person so tendring or exposing Such Tobacco But if such Justice shall acquit such person or persons then the same shall be paid by the County and levied by the Justices in the next County Levy.

PROVIDED ALWAIES and it is the true intent & meaning of this Act That if the Owner or person tendring in paiment or exposing to sale any such Tobacco shall remove or conceal the same so that the persons appointed Viewers cannot perform their duty herein the said Viewers shall certifie the same to the Justice who issued the Warrant for such View and the said Justice shall thereupon give Judgment for the aforesaid Penalty of two hundred pounds of Tobacco and the said Viewers shall be paid by such person so removing or concealing so much Tobacco as is herein before allowed to them as if they had actually viewed the same,

PROVIDED ALSO That an allowance of Five pounds of Tobacco and no more shall be made by the Viewers in each hogshead so to be viewed for Sand Dirt & bad Tobacco (that is to say) such Tobacco as is not passable of itself without better joined with it any thing in this Act contained to the contrary thereof in any wise notwithstanding.

AND BE IT FURTHER ENACTED by the Authority afores'd That all Fines and Forfeitures herein before mentioned and not otherwise appropriated shall be One half to Our Soverain Lord The King his Heirs & Successors to & for the use and

for the less'ning the Levy by the Poll of the County wherein such Offence shall be committed And the other half to the person or persons who will inform and sue for the same and may be recovered with Costs in any Court or Courts of Record within this Collony by Action of Debt Bill Plaint or Information Except such Fines & Forfeitures in this Act mentioned as are cognizable before a Justice of the Peace.

AND BE IT FURTHER ENACTED by the Authority afores'd That this Act shall commence from the first day of April next ensuing and be in force for Three years and from thence to the end of the next Session of Assembly.

VIRGINIA GLEANINGS IN ENGLAND.

Communicated by Mr. LOTHPROP WITHINGTON, 30 Little Russell street, W. C., London including "Gleanings" by Mr. H. F. WATERS, not before printed.

[During the past winter Mr. Withington was for some time in the United States. This accounts for the present short instalment of "Gleanings."]

ROGER FARLEY of City of Worchester, gentleman. Will 29 March 1622; proved 25 September 1622. To my wife Jane the tenement my son Robert Farley now dwells in the broadstreete of Worchester and adjoining to the East side of now dwelling house and at her decease to my son Robert. To son Robert the house in my own occupation and the house in occupation of my sister Alice Kent. To wife Jane £300 and all the goods which were her own when I married her. To William Farley my son £120 and various articles of furniture and the lease of the house John Younger now dwelleth in. To son Elliot Farley £100. To Edward Farley my son £10 to buy him a cloak and his wife a gown. To son Thomas Farley £5. To son Humphrey Farley